

Ontario, Environmental Assessment Board,

EP-92-02(F)

EASTVIEW ROAD LANDFILL - CITY OF GUELPH, DECISION AND
REASONS FOR DECISION... 1993.



ENVIRONMENTAL ASSESSMENT BOARD

EP-92-02(F)

EASTVIEW ROAD LANDFILL - CITY OF GUELPH

DECISION AND REASONS FOR DECISION

IN THE MATTER OF Section 30 of the *Environmental Protection Act*, R.S.O. 1990, c. E-19, and the *Intervenor Funding Project Act*, R.S.O. 1990, c. I-13;

- and -

IN THE MATTER OF an application by The Corporation of the City of Guelph for an amendment to its Provisional Certificate of Approval to permit the continued operation of the site for disposal of non-hazardous solid waste for an additional five years.

BEFORE: Elaine Tracey - Chair

DATED at **TORONTO** this **26th DAY** of **APRIL, 1993**

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IN THE MATTER OF Section 30 of the *Environmental Protection Act*, R.S.O. 1990, c. E-19, and the *Intervenor Funding Project Act*, R.S.O. 1990, c. I-13;

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BEFORE: Elaine Tracey - Chair

APPEARANCES

Stephen Garrod - for the City of Guelph

Nancy Jack - for the Ministry of Environment and Energy

Theresa McClenaghan - for Eastview Residents for Environmental Justice

Peter Linke

REASONS FOR DECISION

The Corporation of the City of Guelph has applied for an amendment to its Provisional Certificate of Approval to permit the continued operation of its landfill site for an additional five years. This landfill site has been operated by the City since 1962 and is currently operating under an Emergency Certificate of Approval.

On January 12, 1993 an intervenor funding hearing was held at the Environmental Assessment Board office in Toronto. At that hearing one intervenor applied for funding, the Eastview Residents for Environmental Justice.

Two other parties, Simon Wood Limited and Guelph Grangehill Developments Limited, did not seek intervenor funding.

The City of Guelph, the proponent, was named the funding proponent pursuant to Section 1 of the *Intervenor Funding Project Act (IFPA)*.

The original application had been submitted by Peter Linke. This application was amended to rename the party, Eastview Residents for Environmental Justice. All parties to the hearing agreed to the name change.

The funding hearing was divided into two phases (the Phase 2 hearing was held March 26, 1993) as requested by the parties, and in Phase I Eastview Residents for Environmental Justice was awarded funding in the amount of \$47,810.00 (GST included). This funding was allocated to provide for:

- review of the City's material by the intervenor's consultants to familiarize themselves with the details of the application;
- a site tour with City staff and the proponent's consultants;
- a series of meetings with the proponent's consultants to clarify the intervenor's understanding, to narrow issues and to prepare a joint submission with the City's consultants regarding which facts and expert opinions are agreed upon, which issues have been resolved, which issues remained unresolved and the important considerations with respect to each of those unresolved issues, and agreed Conditions of Approval.

The City reserved its right to take whatever position might be necessary at the Phase 2 hearing with respect to the reasonableness of any aspects of the Phase 2 budget. The Ministry stated the Director would also reserve his right to make any submissions about the reasonableness and appropriateness of the Phase 2 applications.

Ms. McClenaghan stated with respect to Phase 2 funding "we are not at this time binding, restricting the application for Phase 2 funding. This would include any jurisdictional issues, as well as any quantum".

During the Phase 1 funding hearing, the panel questioned the involvement prior to the hearing of the Eastview Residents for Environmental Justice, as the group was formed on November 28, 1992.

Attached to Exhibit 6, the revised application for Intervenor Funding, was several pages showing a copy of a petition submitted to the City, regarding a wet/dry waste facility proposed for the Eastview Landfill site. Also attached was a list of activities of the group in 1989 regarding the wet/dry facility. This does show some prior involvement, although not involvement regarding this application.

Mr. Garrod noted that the wet/dry facility is being built in another location. Since that decision was reached several years ago there has been little or no activity by the group. He also submitted the City had no correspondence from a group using the name Eastview Residents for Environmental Justice prior to receiving the funding application.

At the Phase 2 funding hearing the revised application for intervenor funding (Exhibit 6) indicated that the group now had \$1,528.66 in its bank account compared to the \$960.00 at the time of the Phase 1 hearing. This money has been raised by membership sales (\$10 per family) and donations from members and non-members. In the original application the amount of \$960.00 was raised by membership sales with matching contributions by Mr. Linke. In the revised application (Exhibit 6), it was pointed out that the group is attempting to sell 1,500 raffle tickets on a \$800.00 gift certificate for furniture donated by Barzotti Woodworking. The panel recognizes this as an attempt to raise funds.

The proponent argued that the Citizen's group is not eligible for funding, because it does not satisfy the eligibility criteria set out in Section 7 of IFPA. Mr. Garrod argued that the group had not established a record of concern or demonstrated the ability to raise support in the community financially. He also stated the group has not demonstrated an interest that is "unique or different that would be of assistance to the Board".

Ms. Jack stated:

It appears that the Eastview Residents' group for Environmental Justice is a somewhat unusual citizens' group in that a significant player in that group appears to be Mr. Peter Linke whose interests seem very similar to those interests of Guelph Grangehill. In the case of both Guelph Grangehill and certain individuals within the group of Eastview Residents for Environmental Justice, there are individuals in both groups - Guelph Grangehill as well as other individuals own property around the landfill but do not necessarily live there. They are both concerned with the impacts on the land. Presumably where there is no residents' group currently on lots surrounding the landfill, in both cases they are concerned with the future uses of the land and with the fitness of the land for future residential uses. There are also certain members of Eastview Residents' group for Environmental Justice that reside near the landfill and they have a slightly different perspective.

However, it appears that given the funding arrangements that the group has made that the largest player of these is Mr. Peter Linke

(Transcript vol. 2, p. 155 & 156)

The group seems to largely fall in the area of private interest rather than public interest.

(Transcript vol. 2, p. 157)

The interest of Mr. Wood and Guelph Grangehill seem to have been acknowledged as private interests to the extent that they are concerned with future development, they are concerned with impacts on the land and they are concerned with the value of their property if the site is allowed to continue to operate.

It is not clear, in my submission, how the issues being put forward by Guelph Grangehill are distinct from the concerns of this group.

(Transcript vol. 2, p. 157 & 158)

Ms. McClenaghan pointed out Mr. Linke's extensive and long lasting history of participation in environmental concerns as outlined in the original funding application (Exhibit 2).

The panel has reviewed the original application. Mr. Linke's prior record of involvement has been taken into account. However, the panel agrees with the submission of Ms. Jack that there is a fine line between public vs. private interest in this application. The intervenor group does have some public interest issues to present.

In Phase 1, the proponent and the Citizen's group negotiated the amount of funding. Had this not been the case, the hearing panel may well have taken a different view.

During the Phase 2 funding hearing, the application for funding for the Eastview Residents for Environmental Justice amounted to \$98,315.09. There was no revised issues list attached to this application. The panel was provided with a Draft Joint Statement prepared by Eastview Landfill Hydrogeology Working Group (Exhibit 10). This statement indicates that there are issues that have been resolved as well as some issues still unresolved. There was also a Draft Issues List regarding design and operations and other issues (Exhibit 11). While these two exhibits have shed some light on remaining outstanding issues, it is far from clear, with the exception of the hydrogeological issues, what issues remain outstanding.

The Citizen's group requested funding in the amount of \$18,297.00 to carry out an analysis of the landfill expansion and the effect on surrounding landowners (Schedule "J"). The proponent argued that this issue is not within the Board's jurisdiction under the *Environmental Protection Act*, Part 5.

Ms. McClenaghan argued it is well within the Board's jurisdiction under EPA Section 1 to take into account the adverse effects to be caused by an application for a Certificate of Approval as defined in the Act.

The proposal from Knowles Lambert Canning & Associates is to undertake an inspection of properties within a two to four kilometre radius of the site to provide classification of property uses; highest and best use analysis; and investigation of various markets to ascertain the impact the expansion of the site may have on effected properties etc.

The Board must consider existing or future negative adverse effects from the site in deciding whether or not to approve the site. Local residents may bring forth evidence and express their concerns or experiences with respect to any adverse effects on their property during the course of the hearing.

The panel recognizes the landfill has been in existence since 1962; therefore, most, if not all, adverse impacts associated with the site will not be new. Mr. Garrod argued that Guelph Grangehill owns substantially more land than the Eastview Residents for Environmental Justice and Guelph Grangehill will be dealing with issues of what impacts the site may have on adjacent property owners both present and future.

The panel is of the opinion that funding for the above would not assist the Board and contribute substantially to the hearing (s. 7(2)(b), IFPA).

The MOEE indicated at the preliminary hearing they will be calling evidence on hydrogeology as well as design and operations issues. The proponent filed a series of letters regarding Guelph Grangehill Developments Limited revised list of issues. They will be addressing these during the course of the main hearing if they are not resolved prior to the hearing (Exhibit 9).

The proponent submitted:

"....there are 14 issues...., [that] cover virtually every possible issue relating to the impacts of the approval of the City's application on land in the vicinity of the site".

(Transcript vol. 2, p. 76)

The proponent argued the group will be addressing the same issues which Guelph Grangehill and the Ministry will be addressing.

"There is no reason why they need separate representation on those issues to assist the Board."

It is imperative that hearings be constructive and that the evidence heard be relevant and non-duplicative for the purpose of arriving at an environmentally safe and sound decision. The Board does not need a whole range of experts which would duplicate those of other parties.

Ms. McClenaghan argued that Grangehill Developments has not retained a hydrogeologist and that Mr. Ruland, the hydrogeologist for the Citizen's group:

has made to date a substantially distinct contribution to the discussion from that of the City's consultants and the Ministry. One of the issues which is on the issues list has to do with the rate of groundwater transmission through to the high quality bedrock aquifer which is the source of much of Guelph's drinking water.

(Transcript vol. 2, p. 124-125)

Ms. Jack, representing the Ministry, agreed with Ms. McClenaghan that it appeared Guelph Grangehill did not have any participation on the issue of hydrogeology.

Mr. Garrod stated if the panel was going to grant funding he felt Mr. Ruland's budget was excessive considering the opportunity Mr. Ruland had in Phase 1 to discuss the issues with other experts. There were six meetings to discuss issues, obtain clarification and seek further information.

The panel agrees the budget appeared to be excessive but believes the Board will be assisted in reaching its decision by the hydrogeology evidence. (Schedule "H").

Therefore, funding is awarded on a lesser scale to deal with this issue.

1.	Preparation of interrogatories	10 hrs. @ \$70.00 hr.
2.	Preparation of first draft of report and witness statement	40 hrs. @ \$70.00 hr.
3.	Meetings with clients, other parties and/or experts	20 hrs. @ \$70.00 hr.
4.	Preparation of final drafts of report and witness statement	20 hrs. @ \$70.00 hr.
5.	Attendance at EPA hearings	40 hrs. @ \$70.00 hr.
		= \$9,100 G.S.T. included

The intervenor group does not have sufficient financial resources to enable it to have adequate legal representation at the hearing. Therefore funding is awarded for counsel to enable it to have separate representation at the hearing.

The hearing is expected to take 16 days. Therefore funding is awarded based on an 8 hour day for a total of 128 hours @ \$75.38/hour plus an additional 128 hours for preparation, and disbursements in the amount of 10% of the legal fees. (Schedule "G").

In addition, funding will be awarded for a law clerk for 60 hours @ \$23.00/hour.

All funds that were allocated in Phase 1 but not exhausted are to be applied against the funding awarded in Phase 2. Any reports completed in Phase 1 by the intervenors will be made available during the main hearing.

Taking into consideration the ticket raffle that is underway, the Citizen's group could essentially raise \$2,500.00 if all the tickets are sold. The group has a total of \$1,528.66 in its bank account. The panel believes it is possible to have \$4,028.66 raised by April 18, 1993, when the draw is to take place. Therefore it is not unreasonable to expect the Citizen's group to allocate \$3500.00 toward the cost of the hearing.

Funding is not being awarded for expert witnesses regarding Design and Operation. The panel is of the opinion these issues will be addressed by Guelph Grangehill Developments Limited as well as the Ministry. (Appendix "A" and Schedule "I").

Funding is not awarded for the Knowles Lambert Canning and Associates to conduct an analysis of Guelph Landfill Expansion and the potential impact on surrounding landowners. As stated elsewhere in this Decision this is not a new site but one that has been in existence since 1962. If the Board approves the application, Conditions of Approval will address any adverse impacts on property associated with the site.

DECISION

- (1) The Corporation of the City of Guelph is named the funding proponent.
- (2) Intervenor funding in the amount of \$29,789.50 less the amount not exhausted in Phase I is awarded to Eastview Residents for Environmental Justice for Phase 2 as set out in Schedule 1 attached and forms part of this Decision.
- (3) Thersea McClenaghan and the law firm of Seitz, McClenaghan are responsible for accounting for the funds awarded. The amounts awarded shall only be used for the purposes set out in Schedule 1 and the Reasons for Decision.

- (4) Claims for funds pursuant to this intervenor funding program shall be made in accordance with the Environmental Assessment Board's "General Principles for the Submission of Claims".
- (5) Claims for funds are to be submitted monthly to the Finance and Capital Management Branch, Ministry of Environment and Energy using the "Request for Funds Form" provided.
- (6) Claims shall be paid upon order by the MOEE after invoices are submitted.
- (7) At the end of the hearing or the end of Eastview Residents for Environmental Justice participation in the hearing, Eastview Residents for Environmental Justice shall submit a financial report to the Hearing Panel and account for all funds received by way of intervenor funding.
- (8) Financial materials filed in these proceedings are to be used only by the funding panel and parties to the funding proceedings and only for the purpose of these proceedings. These financial materials are not to be used by any person for any other person.

DATED at TORONTO this 26th DAY of APRIL, 1993.

"Elaine Tracey"

Elaine Tracey, Chair

FUNDING ALLOCATION

Intervenor: Eastview Residents for Environmental Justice

<u>LEGAL</u>	<u>HR.</u>	<u>RATE/HR.</u> \$	<u>TOTAL LEGAL FEES</u> \$	<u>GST @ 7%</u>	<u>TOTAL</u> \$
Intermediate counsel	256	75.38	19,297.28	1,350.81	20,648.09
Law clerk/student	60.00	23.00	1,380.00	96.60	1,476.60
Disbursements (10% of Legal Fees)			1,929.73	135.08	2,064.81
Total Legal				<u>1,582.49</u>	<u>24,189.50</u>

<u>EXPERTS AREA OF STUDY</u>	<u>HR.</u>	<u>RATE/HR.</u> \$	<u>EXPERT FEES</u> \$	<u>GST @ 7%</u> \$	<u>TOTAL</u> \$
1. Wilf Ruland	130	70.00 (1)	9,100.00		9,100.00
Total Experts					<u>9,100.00</u>

INTERVENOR DISBURSEMENTS

Typing					0.00
Photocopying					0.00
Printing					0.00
Transcripts					0.00
Total Disbursements					<u>0.00</u>

Sub-Total Allocation:				1,582.49	33,289.50
Intervenors Contribution					3,500.00
GST Rebate					0.00

TOTAL ALLOCATION **29,789.50**

PERSON/FIRM RESPONSIBLE FOR FUNDS:
(cheques will be issued in these names)

Theresa McClenaghan
Seitz, McClenaghan
820 - 50 Queen Street North
Kitchener, Ontario N2H 6P4
Phone: (519) 571-1800

Note: (1) Rate per hour includes disbursements and GST as per funding application.

APPENDIX A

Revised List of Grangehill Issues

1. The implications of the proponent's extension of the landfill on the development of all of Grangehill's lands.
2. The lack of definition of the landfill leachate plume acknowledged as being present upon Grangehill's lands, due to the paucity of boreholes and monitoring stations except in the apparent centreline of the plume, and the lack of assurance of frequent monitoring and reporting of the monitoring results, interpretations, etc.
3. The identification and adequacy of the proponent's remedial measures and contingency plans related to all off-site impacts.
4. The impacts on land within the 500 m line from the perimeter of the fill area, due to the presence of the landfill and, in particular, the impact the proposed continued operation will have on Grangehill's plans to develop all of its lands on a timely basis.
5. The adequacy of the proponent's assessment of land-use impacts in light of Guelph's Secondary Plan which has been adopted by Guelph Council.
6. The high cost of impact studies required of owners of adjacent lands to develop according to Guelph's Secondary Plan.
7. The status of the County/City Waste Management Master Plan in particular, the status of the search for a long term site and the impact of that search on the future of Eastview.
8. The adequacy of the proponent's identification of adverse impacts relating to both on and off-site methane gas and other airborne pollutants.
9. The extent of proponent's commitment to provide adequate mitigation measures to minimize specifically defined impacts.
10. The adequacy of the proponent's design and operations plan in fully mitigating all off-site impacts so as to ensure the nuisance and adverse environmental effects set out in the Ministry of the Environment Policy 07-07 are either not present or, if present, are fully mitigated, on Grangehill's lands during both the period of continued operations and after closure.
11. The extend of the proponent's commitment to provide adequate safeguards to ensure a healthy environment for the future residents of the Eastview (including Grangehill) community.
12. The lack of definite proponent commitment to the proposed golf course end-use and a guarantee that the landfill will not, at any time, be mined.
13. The lack of a proposed commitment to cease landfilling operations within 5 years of the date of the approval of this application should such approval be granted.
14. The extent of the proponent's commitment to implement 3Rs waste management systems to minimize nuisance impacts from landfilling operations (i.e. no organics landfilled) through for example, wet/dry collection and central composting at an off landfill site location.

SCHEDULE "G" - LEGAL BUDGET

Intermediate Counsel*	425 hours x \$75.38 per hour	\$32,036.50
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* Note - In the event that Ms. McClenaghan is unavailable, Mr. Mattson will fill in for her or continue the hearing if necessary. In that event his time will be charged at the Basic rate allowed by the Ontario Legal Aid Plan under the Intervenor Funding Act.

Law Clerk	80 hours x \$23.00 per hour	\$1,840.00
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SUBTOTAL	\$33,876.50
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GST @ 7% \$ 2,371.35

TOTAL	\$36,247.85
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Assumptions include:

16 hearing days

No material changes to the undertaking

This estimate is to cover:

phase 1) Meetings and communications with clients throughout (less

Meetings and communications with our experts throughout
(less phase 1)

Attending to phase 2 intervenor funding application

Reviewing reports and witness statements of proponent and other parties

Preparing reports and witness statements of own witnesses

Preparing any remaining interrogatories not exchanged in phase 1 (our interrogatories of proponent and other parties; other parties interrogatories of our experts)

Attendance to pre-hearing settlement conference

Any further negotiations as to agreed facts and scoping of issues following phase 1

Reviewing other parties draft terms and conditions

Preparation of own draft terms and conditions

Negotiations regarding proposed conditions

Preparing for own evidence in chief

Preparing for cross-examination of witnesses

Attendance at hearing (16 days)

Preparing final argument.

(The time estimate would have to be increased if the hearing lasts more than 16 hearing days, or if the application undergoes any material changes.)

SCHEDULE "H"

1

Theresa McClenaghan
c/o Seitz, McClenaghan
Suite 820, 50 Queen Street N.
Kitchener, Ontario
N2H 6P4

March 15, 1993

Dear Theresa,

I have prepared the revised EPA Hearing work program (including a revised budget) which you have requested on behalf of the Eastview Residents for Environmental Justice.

The revised work program (the revised budget is based on this program) covers the tasks which I feel are required to allow me to fully prepare for and participate in the upcoming EPA Hearing (if necessary). The revised budget provides estimated costs of \$15,400 for the work program (the GST and all expenses are included in this figure).

Please note that my revised work program and budget no longer include \$5000 for water sampling. This is based on my understanding that the City is planning to proceed on my recommendations for water sampling.

My revised work program, including a revised budget, covering the period from now to the end of the Hearing is enclosed. Please feel free to contact me if you have any comments or questions about this. I wish you all the best in the meantime!

Yours Sincerely

Wilf Ruland

Wilf Ruland

Citizens' Environmental Consulting
12 George Street
Waterloo, Ontario
N2J 1K5
tel: (519) 579-5743

cc. Mr. Peter Linke
Mr. Jim Yardley (CRA)

To: Ms. Theresa McClenaghan

Re: Revised Budget - for professional services to be provided to the Eastview Residents for Environmental Justice in preparing for and participating in the upcoming Eastview Road Landfill EPA Hearing

Prepared: March 15, 1993

By: Mr. Wilf Ruland
Citizens' Environmental Consulting

This budget outlines the estimated costs (GST and expenses are included in the hourly rates) of professional services to be provided by Mr. Wilf Ruland (Citizens' Environmental Consulting) to the Eastview Residents for Environmental Justice. These services include providing a hydrogeological review of documents pertaining to the Eastview Road Landfill, and preparing for and participating in the upcoming Eastview Road Landfill EPA Hearing.

The budget is divided into five (5) sections, which cover the tasks outlined in the Work Program:

1)	preparation of interrogatories	20 hours	@	\$70/hr	=	\$1400
2)	preparation of 1st drafts of report and witness statement	80 hours	@	\$70/hr	=	\$5600
3)	meetings with clients, and with other parties and/or experts	20 hours	@	\$70/hr	=	\$1400
4)	preparation of final drafts of report and witness statement	20 hours	@	\$70/hr	=	\$1400
5)	attendance at the EPA Hearing	80 hours	@	\$70/hr	=	\$5600
						\$15400

A more detailed task description outlining the work program for each of the five sections follows.

Revised Hydrogeology Work Program for the Eastview Road Landfill EPA Hearing

This revised hydrogeological work program outlines the major activities required to prepare for and participate in the Eastview Road Landfill EPA Hearing on behalf of the Eastview Residents for Environmental Justice. The revised work program has five (5) sections, which correspond to the five sections of the revised budget.

1. Preparation of Interrogatories

Interrogatories will be prepared on an "as-required" basis. Interrogatories will be necessary whenever further information (not yet provided by the proponent) or clarification of information is required for the hydrogeological review and EPA Hearing preparation and participation outlined in this work program.

2. Preparation of First Drafts of Report and Witness Statement

The report and witness statement will be prepared with the intention of presenting final drafts as evidence at the EPA Hearing. The report and witness statement may include (but not necessarily be restricted to) consideration of the following issues:

- > site water balance
 - infiltration rates, rates of leachate generation & collection
 - rates of leachate migration to the bedrock aquifer;
- > landfill design (as it pertains to hydrogeology);
- > site geomorphology and geology;
- > site hydrogeology
 - directions & rates of groundwater flow and leachate migration
 - possible off-site groundwater contamination
 - the effectiveness of the perimeter collection system in preventing unacceptable contamination of the bedrock aquifer;
- > site hydrogeochemistry
 - background groundwater quality
 - leachate chemistry, identification of critical contaminant(s)
 - characteristics of the groundwater contamination plume;
- > site hydrogeological impacts
 - impacts on the quality and quantity of available groundwater;
 - discharges of contaminated groundwater to surface water;
- > site monitoring (past, present, and future proposed);
- > "worst case" scenarios and contingency planning.

3. Meetings with Clients, and with Other Parties and/or Experts

Meetings will be held as required with our client(s), and legal counsel and other technical experts. The purpose of the meetings will include (but not necessarily be restricted to) discussion of the results of the hydrogeological review and other experts' reviews, and coordination of the preparation of interrogatories and draft reports.

Further meetings will also be held before (and perhaps during) the EPA Hearing) with the other parties' experts on matters relating to hydrogeology. The purpose of these meetings will be to identify areas of agreement and to resolve as many issues as possible outside of the EPA Hearing.

4. Preparation of Final Drafts of Report and Witness Statement

Final drafts of the report and witness statement for the EPA Hearing will be prepared (if required) to deal specifically with those issues which remain unresolved after the pre-Hearing meetings with other parties' experts.

5. Attendance at the EPA Hearing

Attendance will be required during all appearances at the Hearing by other parties' experts on issues related to hydrogeology. This will ensure a comprehensive understanding of the issues raised by other parties' experts, and will allow assistance for counsel (for our clients) in preparing questions for cross-examination of other parties' experts. In addition, attendance may be required for presentation of the report and witness statement prepared for the Hearing.

Work Schedule for the revised Hydrogeological Work Program for the Eastview Road Landfill EPA Hearing

The timing of the completion of the various sections of the revised work program will follow the schedule outlined in the Procedural Directions for the Eastview Road Landfill EPA Hearing.

SCHEDULE "I"

Consulting Engineers

CONESTOGA-ROVERS & ASSOCIATES LIMITED

651 Colby Drive

Waterloo, Ontario, Canada N2V 1C2

(519) 884-0510 Colby Office Fax: (519) 884-0525

(519) 725-3313 Bathurst Office (519) 725-1394

March 18, 1993

Reference No. 5177

Ms. Theresa McClenaghan
Seitz, McClenaghan
Barristers and Solicitors
Suite 820
50 Queen Street North
Kitchener, Ontario
N2H 6P4

Dear Ms. McClenaghan:

Re: Intervenor Funding Application Phase 2
Work Program and Budget Estimate
EPA Hearing - Eastview Road Sanitary Landfill, City of Guelph

Pursuant to our discussions, I have prepared the work program and budget estimate for Phase 2 of the review of the City of Guelph's Environmental Protection Act (EPA) documents for the Eastview Road Sanitary Landfill Site and representation at the EPA hearing during the spring/summer of 1993. The work program and budget estimate has been prepared based on Conestoga-Rovers & Associates (CRA) experience with hearings dealing with landfill site issues, as well as the review and discussions completed during Phase 1.

The work program and budget estimate has been prepared in terms of four main work items. The work items include issues that CRA is able to review, comment and represent at a hearing. In addition, the work program includes the item of meeting with technical experts from all other parties, in an attempt to resolve some of the issues presented in the joint statement of fact prior to the hearing.

The four work items that CRA will be dealing with are as follows:

- i) site design and operations, surface water, leachate collection/disposal and contingency measures;
- ii) environmental exemption, and land use planning;
- iii) impact assessments, (transportation, noise, air quality and visual); and
- iv) meetings with technical experts from all parties.

For each of the work items presented above, CRA will provide the following services with respect to the outstanding issues at the site:

- a) review of relevant EPA documents, witness statements and interrogatory responses for consistence with relevant regulatory guidelines and policies, the design of the various components with regard to sound engineering design and the operations of the site according to normal landfill practice for the

March 18, 1993

Reference No. 5177

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- outstanding issues.
- b) preparation of interrogatories for outstanding issues. The interrogatories will address items that require further information to address the outstanding issues.
 - c) prepare witness statements for CRA representatives who will be testifying at the EPA hearing. The witness statements will deal with the outstanding issues identified during Phase 1 and not resolved during the technical experts meetings.
 - d) representation at the EPA hearing in support of legal council during examination-in-chief and cross-examination of the City of Guelph, Ministry of the Environment and other party witnesses for the CRA work items.
 - e) representation at the hearing for the issues noted in the witness statements prepared by CRA experts (d) for both evidence-in-chief and cross-examination.
 - f) assistance in the preparation of draft Terms and Conditions for the landfill site.

The key CRA staff who will be involved with this project are as follows:

Mr. James Yardley, P. Eng. will be the main reviewer for the landfill design, surface water control, leachate collection, transportation, visual, noise and air quality issues. Mr. Yardley has an extensive background with regard to the various components of landfill design and operations, leachate collection and control, and surface water control, and air quality around landfill sites, as well as an understanding of the nuisance issues of noise, visual and transportation impacts. Mr. Yardley has been involved with the several reviews of Environmental Assessment Act and Environmental Protection Act applications, as well as preparing the supporting documentation for landfill site approvals. Mr. Yardley will also act as CRA's project manager and will be responsible for the CRA administrative functions that are required to be completed as part of this project.

Mr. Andrew Lugowski, P. Eng. will be the main reviewer with regard to leachate disposal and treatment issues related to the proposal. Mr. Lugowski is a treatment design engineer who was instrumental during the development and start-up of the Sarnia Landfill leachate treatment system and was previously employed by the Ministry of the Environment as an Approvals Engineer dealing with treatment issues.

Mr. Doug Robertson will be the main reviewer of the land use planning and end use plan. Mr. Robertson has reviewed environmental assessments for landfill sites and other developments during his tenure at CRA and the Bruce Trail Association.

March 18, 1993

Reference No. 5177

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The three individuals noted above will be aided by the intermediate and junior professional staff, as well as support staff at CRA on an as required basis. The main intermediate and junior professional staff that will be involved during the review process on an as required basis are Mr. Brian McKinnon (landfill design and operations), Mr. John Sinnige (surface water), Mr. Gord Reusing (air and noise), Mr. Dan Smuk (leachate treatment) and Mr. Craig Emick (planning and end use). Mr. Tony Crutcher will be the CRA principal who will be available on an as required basis to provide direction and guidance for the CRA review and hearing preparation.

The Phase 2 estimated cost for the review of the documentation and the representation of the technical issues up to and during the hearing is presented on Table 2. The cost is estimated on the work program noted within this letter and is based on the following assumptions:

- additional information being generated or remaining to be provided by the Proponent will not significantly alter the information provided within the technical documents provided to-date;
- that the EPA hearing will last approximately 16 hearing days (4 weeks);
- that CRA staff will be required to be present at the hearing for approximately 8 hearing days either in support of legal council during the proponents and Ministry's evidence or during presentation of our evidence for the issues that CRA is responsible for; and
- that disbursements for the hearing will be approximately 10 % of the professional fees.

CRA trusts that the information provide herein is satisfactory for your needs at this time. However, should you have any questions or comments with regard to the information presented, please do not hesitate to call.

Yours Truly,

CONESTOGA-ROVERS & ASSOCIATES



for

James R. Yardley, P.Eng

JRY/af/2

cc Mr. Peter Linke

TABLE 2

**BUDGET ESTIMATE FOR EPA REVIEW AND REPRESENTATION
HASTVIEW ROAD LANDFILL SITE
CITY OF GUELPH**

Experts						
Area of Study	Hours	Rate/Hour (1)	Expert Fees	Disburse- ments	GST (7%) Fee & Disb.	Total Per Expert
Site Design, Operations, Surface Water, Leachate Collection/Disposal and Contingency Measure						
Sr. Staff	80	\$95.00	\$7,600.00	\$760.00	\$585.20	\$8,945.20
Int. Staff	40	\$65.00	\$2,600.00	\$260.00	\$200.20	\$3,060.20
Jr. Staff	25	\$45.00	\$1,125.00	\$112.50	\$86.63	\$1,324.13
Support Staff	15	\$40.00	\$600.00	\$60.00	\$46.20	\$706.20
	Sub-Total		\$11,925.00	\$1,192.50	\$918.23	\$14,035.73
Environmental Exemption, Land Use Planning						
Sr. Staff	20	\$95.00	\$1,900.00	\$190.00	\$146.30	\$2,236.30
Int. Staff	8	\$65.00	\$520.00	\$52.00	\$40.04	\$612.04
Jr. Staff	8	\$45.00	\$360.00	\$36.00	\$27.72	\$423.72
Support Staff	4	\$40.00	\$160.00	\$16.00	\$12.32	\$188.32
	Sub-Total		\$2,940.00	\$294.00	\$226.38	\$3,460.38
Impact Assessments, Transportation, Visual, Noise and Biology						
Sr. Staff	20	\$95.00	\$1,900.00	\$190.00	\$146.30	\$2,236.30
Int. Staff	10	\$65.00	\$650.00	\$65.00	\$50.05	\$765.05
Jr. Staff	4	\$45.00	\$180.00	\$18.00	\$13.86	\$211.86
Support Staff	4	\$40.00	\$160.00	\$16.00	\$12.32	\$188.32
	Sub-Total		\$2,890.00	\$289.00	\$222.53	\$3,401.53
Meetings with Technical Experts						
Sr. Staff	40	\$95.00	\$3,800.00	\$380.00	\$292.60	\$4,472.60
Int. Staff	0	\$65.00	\$0.00	\$0.00	\$0.00	\$0.00
Jr. Staff	0	\$45.00	\$0.00	\$0.00	\$0.00	\$0.00
Support Staff	0	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00
	Sub-Total		\$3,800.00	\$380.00	\$292.60	\$4,472.60
Total Fees for Experts			\$21,555.00	\$2,155.50	\$1,659.74	\$25,370.24

Note:

- (1) Hourly rates presented are based on averages of technical staff proposed to work on project.
Project invoicing will be according to actual APEO charge rates.

SCHEDULE " J "

KNOWLES, LAMBERT, CANNING & ASSOCIATES

LIMITED
REAL ESTATE APPRAISERS AND CONSULTANTS

595 Industrial Road

London, Ontario N5V 1V2

(519) 659-8886

Fax: (519) 659-8282

December 17, 1992

Seitz, McClenaghan
Barristers & Solicitors
50 Queen Street North
Suite 820
Kitchener, Ontario
N2H 6P4

Attention: Theresa A. McClenaghan

Dear Madam:

RE: Proposal for Analysis of
'Guelph Landfill Expansion and the
Effect on Surrounding Land Owners'

Thank you for the opportunity of providing our proposal for the above-noted project.

We believe that the services the Knowles, Lambert, Canning & Associates team offers are well suited to meet your needs and that of your client group for this assignment.

- a real estate appraisal and consulting firm having a fully integrated team of team of accredited appraisers and research staff;
- appraisers who are experienced in the valuation of residential, commercial income producing properties including Vacant Agricultural and Development Land throughout the Province of Ontario;
- computerized methodology for carrying out the analysis in relation to other known properties;

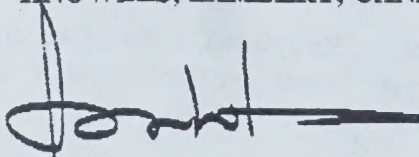
- we maintain extensive records with regard real estate activity throughout Southern Ontario;
- members of the firm have, over the past years, been involved in the valuation and analysis of many properties in the City of Guelph and surrounding area;
- we have a working relationship with a number of well respected Guelph firms, which will allow access to local knowledge not necessarily available to a firm from outside the community.

Enclosed is our proposal and fee structure as well as a profile on the firm and our professional consultants for your review and reference.

Again, we thank you in advance for the opportunity of offering our services to Seitz, McClenaghan and your client group and look forward to your favourable instructions to proceed with this assignment.

Respectfully Submitted,

KNOWLES, LAMBERT, CANNING & ASSOCIATES LIMITED



Brian M. Knowles, AACI, SRPA, FRI

BK/lp

PROPOSAL FOR
ANALYSIS OF GUELPH LANDFILL EXPANSION
AND THE POTENTIAL IMPACT
ON SURROUNDING LAND OWNERS

INTRODUCTION

We have made a cursory inspection of the information provided in order to establish a work plan and fee structure relative to the assignment.

It is anticipated that the scope of the analysis will incorporate the following:

- General inspection of the properties within a two to four kilometre radius of the existing and proposed sites;
- Classification of property uses;
- Highest and Best Use analysis;
- Investigation of the various markets through the use of 'paired sales' to ascertain the impact the expansion of the landfill site may have on effected properties;
- Survey of cross section of property owners within and outside the impact zone;
- Correlation of impact on different property classifications, within the various impact zones;
- At the conclusion of the analysis we will provide you with two bound reports outlining our findings for presentation to the Board performed in accordance with the Appraisal Institute of Canada's - Appraisal Guidelines for the Valuation of Real Estate Assets.

It has been assumed that you will make available, where possible, any information which would be of benefit in the preparation of the report. The accredited appraiser(s) (AACI) in charge of the assignment will meet with you immediately after receiving instructions to proceed.

..2

The professional fee for providing this service has been estimated between \$9,800 and \$14,700 plus disbursements and GST, with the delivery date of draft and final reports to be agreed upon.

The following individual rates have been utilized in the cost estimate:

<u>Appraiser</u>	<u>Hourly Rate</u>	<u>Estimated Time</u>	<u>Total Fee</u>
AACI	\$ 75 to \$ 90/hr	70 hrs	\$ 5,250 - \$ 6,300
CRA	\$ 40 to \$ 50/hr	70-105 hrs	\$ 2,800 - \$ 4,725
Research	\$ 25 to \$ 35/hr	70-105 hrs	\$ 1,750 - \$ 3,675

Disbursements such as travel, long distance telephone, photography, courier services, facsimile, registry searches, additional report - copies, municipal purchases, etc. will be billed at cost. This item has been estimated at \$ 1,800 to \$ 2,400.

CAZONEA 93E02

Ontario. Environmental Assessment Board.

EP-92-02(F)

EASTVIEW ROAD LANDFILL - CITY OF GUELPH. DECISION

**RESOURCE CENTRE
INST. FOR ENVIRON'L. STUDIES
UNIVERSITY OF TORONTO**



